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ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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June 4, 2010

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman,

I request that you immediately schedule a hearing on recent reports that White House officials have offered political appointments to Democratic candidates in exchange for the withdrawal of their candidacy in contested primaries. Such conduct raises serious questions about whether the President's highest advisors have violated the Federal criminal code that this Committee has a responsibility to address immediately.

Last week, the White House admitted that former President Bill Clinton, at the request of White House Chief of Staff Rahm Emanuel, discussed with Representative Joseph Sestak his interest in service with the Administration in exchange for his withdrawal from the Pennsylvania Senate primary race. On Wednesday, Colorado senatorial candidate Andrew Romanoff confirmed that the White House, in this case Deputy Chief of Staff Jim Messina, "suggested three positions that might be available to [him] were [he] not pursuing the Senate race."

I am concerned that the Obama Administration has engaged in a habit of attempting to manipulate the democratic election process to benefit the Democratic Party. Such actions are certainly unethical and may very well be criminal.

Taken at face value, it appears that violations of federal law—including 18 U.S.C. § 600, 18 U.S.C. § 211, and 18 U.S.C. § 595—may have occurred. These statutes prohibit solicitation of certain public offices, the promise of government employment in exchange for political activity, and improper interference by Administration employees in political campaigns.

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Equally troubling are steps taken by the White House that led up to the issuance of the Sestak report, including a meeting between former President Clinton and President Obama and reports that Rep. Sestak's brother and campaign manager was consulted on the drafting of the White House report. The apparent collusion between the parties involved may constitute obstruction of justice.

The White House argues that it had a "legitimate interest in averting a divisive primary fight" and asserts that no laws were broken. But the White House cannot exonerate itself. Only an independent investigation can get to the bottom of what really happened. That's why I, along with the Republican members of the Committee, have asked that the FBI investigate this matter.

While I believe that the FBI should investigate any possible criminal conduct by or on behalf of the Administration, Congress also has a responsibility to look into allegations of corrupt practices by the White House. The Judiciary Committee particularly has a responsibility to investigate when it is alleged that high ranking officials, such as the White House Chief of Staff and Deputy Chief of Staff, may have engaged in conduct that violates the Federal criminal code.

As you may recall, this Committee conducted a prolonged and intense investigation when Democratic members alleged that former White House Deputy Chief of Staff Karl Rove had played a role in the dismissal of several U.S. Attorneys. There was far less evidence in that matter and yet the Judiciary Committee, under your leadership, spent two years investigating allegations of politicization at the Justice Department—subpoenaing witnesses, demanding tens of thousands of pages of documents, and holding hearings. Over 20 Administration officials were interviewed, including Justice Department attorneys and White House staff, 8,500 pages of White House and Justice Department documents were reviewed, and over 15 hearings were held. As of last year, the Committee was still interviewing former White House Deputy Chief of Staff Karl Rove.

And yet, when it appears that the Obama White House itself has engaged in possible unlawful political activity, Democrats in Congress are noticeably silent.

At this point there is far more possible evidence of wrongdoing in the Sestak-Romanoff job offers. The White House's own report on the matter includes admissions that Administration officials sought to entice Rep. Sestak with a position on a Presidential Advisory Board in return for his withdrawal from the Pennsylvania Senate Primary. The Committee has a duty to the American people to investigate allegations of criminal conduct at the White House.

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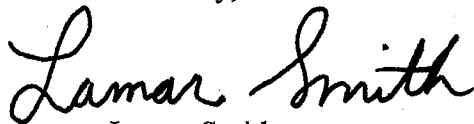
Accordingly, I request that you schedule a hearing on the Sestak and Romanoff job offers as soon as Congress returns from the Memorial Day District Work Period. The Committee should call former President Bill Clinton, White House Chief of Staff Rahm Emanuel, Deputy White House Chief of Staff Jim Messina, Rep. Sestak, Rep. Sestak's brother Richard Sestak, and Mr. Romanoff to testify. In addition, I request that you commit to issue subpoenas to these individuals if they refuse to appear voluntarily. I also request that a second panel of witnesses be called to discuss the legal standards for prosecution under the applicable statutes.

The allegations against the Obama White House are severe. Just as the Judiciary Committee investigated allegations against the previous Administration, we must initiate an investigation into this matter. I ask that you as the Chairman immediately request documents and emails from all White House offices related to conversations White House staff had with or about the Pennsylvania primary candidacy of Rep. Sestak and the Colorado primary candidacy of Andrew Romanoff.

Admissions that the White House intentionally sought to manipulate the outcome of Democratic Senate primaries strike at the heart of our democracy. As the Committee with primary jurisdiction over the Federal criminal code and voting rights, this Committee has a duty to immediately begin to conduct aggressive oversight on this matter.

Because of the seriousness of this matter and the potential influence that these unresolved allegations could have on the political process, I request your response by June 11, 2010.

Sincerely,

A handwritten signature in black ink that reads "Lamar Smith". The signature is written in a cursive, flowing style.

Lamar Smith
Ranking Member